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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,375	12/05/2001	Hue Scott Snowden	16761	6465

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KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

EXAMINER

BAREFORD, KATHERINE A

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,375

Applicant(s)

SNOWDEN ET AL.

Examiner

Katherine A. Bareford

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 5-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers*Claims 1 and 4 are canceled.*

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The amendment of August 7, 2003 has been received and entered.

Election/Restrictions

2. Applicant's election without traverse of Group II, claims 12-13 in Paper No. 7 (Aug. 7, 2003) is acknowledged.
3. The Examiner notes that non-elected claims 1 and 4 have been canceled and that non-elected claims 2-3 and 5-11 have been converted into process claims depending from independent claim 12.

Claims

4. In the amendment of Aug. 7, 2003, an amendment was made to the preamble of claim 12, the independent claim. This amendment, provides specific requirements of the amount of add on of treatment, the barrier properties and the static requirements. The Examiner understands this amendment to provide a structural/manipulative requirement, such that the material applied in the process steps must be such so as to meet the structural requirements of the preamble. See the discussion in MPEP 2111.02.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 2-3 and 5-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In independent claim 12 as now worded, the process produces a fabric having first and second surfaces "one of which is rich in antistatic agent and one of which has minimal antistatic agent" and the process steps require "applying an alcohol repellency treatment containing an antistatic agent to a first or both of said surfaces, and in a separate step, applying an antistatic treatment to the second surface only of said fabric". Thus, antistatic agent must be applied to both surfaces, and then further antistatic treatment is applied to the second side, apparently leading to one surface rich in antistatic agent and one which has "minimal antistatic agent". However, the claims and specification do not describe this invention in such a way as to enable one skilled in the art to make and/or use this invention. Specifically, two issues arise. First as claimed the "antistatic treatment" to the second surface does not require "antistatic agent" to be applied, thus making is unclear how the "rich" surface vs. the "minimal" surface would occur. Secondly, even if it is assumed that the antistatic treatment is of antistatic agent applied to the second surface, thus leading to a second surface richer in antistatic agent than the first, it is unclear what is meant by "minimal antistatic agent". A reading of the specification and claims provide no indication of what is a minimal amount while still having antistatic agent. Thus, one

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of ordinary skill in the art would not know how much antistatic agent can be present from the first repellency treatment or can seep over to the first side and still be an acceptable "minimal" amount. The dependent claims do not clarify the acceptable "minimal" amount.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-3 and 5-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12, lines 3-4, "treatment add-on in the range of from about 0.017 gsm to about 1.08 gsm" is confusing as worded. In the claim as worded, this "treatment add-on" appears to refer to the amount of all treatments (both the first and second treatments, at least). However, in the specification at page 2, line 25 through page 3, line 3, this amount refers only to the specific add-on from the antistatic treatment composition, while further material is added on by ^{the} ~~that~~ alcohol repellency treatment. See page 2, lines 23-24. Applicant should clarify what materials are actually added on from the claimed "treatment add-on".

The other dependent claim does not cure the defects of the claims from which it depends.

Claim Rejections - 35 USC § 103

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9. The rejection of claims 12-13 under 35 U.S.C. 103(a) as being unpatentable over Coates (US 4382990) in view of Coates (US 4082887) is withdrawn due to applicants' amendments to the claims, since Coates '990 in view of Coates '887 would suggest antistatic agent treatment applied to one side in a separate step from an alcohol repellency treatment applied to the substrate without an antistatic agent provided with the alcohol repellency treatment.

Response to Arguments

10. Applicant's arguments with respect to claims 2-3 and 51-13 have been considered but are moot in view of the new ground(s) of rejection.

The 35 USC 103 rejection has been withdrawn, however, new 35 USC 112 rejections, as discussed above, are provided due to the amendments to the claims.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37


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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (703) 308-0078. The examiner can normally be reached on M-F(7:00-4:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


KATHERINE A. BAREFORD
PRIMARY EXAMINER
GROUP 1100/700